

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Vachon Yanaine Mardis,

Civil No. 04-5103 (RHK/RLE)

Plaintiff,

vs.

**O R D E R**

Cheryl Ramstad Hvass, Ex-Commissioner  
of Corrections, David Crist, et al.,

Defendants.

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Based upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-entitled matter, it is **ORDERED**:

1. The Report and Recommendation (Doc. No. 6) is **ADOPTED**; and
2. Plaintiff's Complaint (Doc. No. 1) is **DISMISSED**, but without prejudice, for failure to prosecute and for failure to comply with the prior Order of the Court.

Dated: May 20, 2005

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge